

SUE ANN TINKEY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CASE NO.: 3:05-cv-985-MEF

COPY

TROY E. TILLERSON,

Plaintiff,

V.

THE MEGA LIFE AND HEALTH INSURANCE CORPORATION,
a corporation; TRANSAMERICA LIFE INSURANCE
COMPANY F/K/A PFL LIFE INSURANCE COMPANY, a
corporation; NATIONAL ASSOCIATION FOR THE SELF
EMPLOYED A/K/A NASE, a corporation,

Defendants.

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and
between the parties, through their respective
counsel, that the deposition of SUE ANN TINKEY
may be taken before STACEY L. JOHNSON,
Commissioner, at the Offices of Nix, Holtsford,
Gilliland, Higgins & Hitson, P.C., 4001
Carmichael Road, Suite 300, Montgomery, Alabama,
on the 11th day of October, 2006.

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SUE ANN TINKEY

1 IT IS FURTHER STIPULATED AND AGREED
2 that the signature to and the reading of the
3 deposition by the witness is hereby waived, the
4 deposition to have the same force and effect as
5 if full compliance had been had with all laws
6 and rules of Court relating to the taking of
7 depositions.

8 IT IS FURTHER STIPULATED AND AGREED
9 that it shall not be necessary for any
10 objections to be made by counsel to any
11 questions except as to form or leading
12 questions, and that counsel for the parties may
13 make objections and assign grounds at the time
14 of trial, or at the time said deposition is
15 offered in evidence, or prior thereto.

16 IT IS FURTHER STIPULATED AND AGREED
17 that the notice of filing of the deposition by
18 the Commissioner is waived.

SUE ANN TINKEY

1 Q So whenever the decision was made to
2 purchase health insurance, your husband and you
3 made a decision as the employer for Gene to give
4 him health insurance instead of a raise?

5 A Correct.

6 Q And since that time, the business has
7 paid the premiums for Gene?

8 A Troy -- yes. Troy M. has paid the
9 premiums.

10 Q Okay.

11 A Yes. And he is the business.

12 Q He's a sole proprietor?

13 A Right.

14 Q And Gene worked for him?

15 A Right.

16 Q Okay.

17 A Basically.

18 Q And that's been during the entire time
19 that Gene has had the MEGA policy T&T
20 Construction has paid the premiums?

21 A Yes.

22 Q Has T&T Construction taken a deduction
23 on its tax returns for those premiums?

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1 A No.

2 Q Okay. Do you have the tax returns for
3 T&T Construction?

4 A No.

5 Q Has T&T Construction filed tax returns?

6 A Yes.

7 Q Okay. And there was no deduction for
8 the premiums for health insurance?

9 A No.

10 Q Okay. So just make sure I understand
11 this. Do you have accounting journals or books
12 that would show entries for the health insurance
13 premiums?

14 A No.

15 Q Okay. You just maintained it through
16 your bank records?

17 A Yes.

18 Q And you've agreed to -- like I said, to
19 go back and look for previous years and provide
20 them to Mr. Couch?

21 A Yes.

22 Q Okay.

23 MR. COUCH: Let me see these.

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1 basically the one that set up --

2 A Yes.

3 Q -- getting him coverage?

4 A Yes.

5 Q Tell me how that -- tell me how this
6 came about, this decision to provide Gene with
7 coverage. Was there a discussion between you
8 and your husband, Troy?

9 A Yes.

10 Q Tell me what you recall about that
11 discussion.

12 A Well, I -- I don't remember how I found
13 out about the NASE insurance. It was a magazine
14 article or TV or whatever. And I had signed up
15 for this insurance. And I was happy with it at
16 the time, and so I said to Troy, I said, you
17 know, what are we going to do about Gene and his
18 health insurance, he needs to have some health
19 insurance, he's getting older. So we decided we
20 would provide him with health insurance in lieu
21 of a raise. And I contacted the agent that had
22 sold me the insurance and set up a time for Gene
23 to come and meet with him, and we signed him up.

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1 Q Okay. So after you and your husband,
2 Troy, talked about it and the decision was made
3 to provide Gene with insurance in lieu of the
4 raise, you contacted the agent you had dealt
5 with --

6 A Uh-huh.

7 Q -- and talked to Gene and set up a
8 meeting --

9 A Right.

10 Q -- so the agent could explain the
11 coverage to Gene?

12 A Right. Right.

13 Q Where did that meeting occur?

14 A At our home on Silver Hill Road.

15 Q Who was the agent?

16 A Dan Splawn.

17 Q Who was present during the meeting
18 between Gene and Dan Splawn?

19 A It was myself and Gene and Dan Splawn.

20 Q Okay. Was your husband in the meeting
21 at all?

22 A No, he was not there.

23 Q Do you recall what Dan said about the